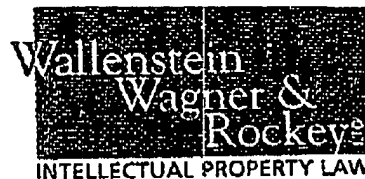


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To: Commissioner of Patents	From: Stephen R. Auten, Esq.
Company: U.S. Patent & Trademark Office	Date: January 29, 2004
Fax Number: 703-872-9306	Number of Pages: 13 (including cover sheet)
Your Reference Number: 10/075,153 Examiner: K. Koyama Group Art No.: 2876	Senders Reference Number: FLM 5712 1417Y P 701
Re: Applicant's Interview Summary of January 28, 2004 telephonic interview.	

Comments/Notes:

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this document and authorization to charge the deposit account is being facsimile transmitted to Examiner Commissioner for Patents, Art Unit No. 2876, at the U.S. Patent and Trademark Office on January 29, 2004, to Fax No. (703)872-9306.

*Carol J. Wickers*  
Carol J. Wickers (183237)

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Attorney Docket No. FLM 5712/1417Y P701

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JAN 29 2004

In re U.S. Patent Application of  
Becker, et al.

)  
)  
) Art Unit: 2876

Application No. 10/075,153

)  
) Examiner: K. Koyama

Filed: February 14, 2002

For: Coding Symbolology and a Method  
for Printing Same

)  
)  
)  
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APPLICANTS' INTERVIEW SUMMARY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

On January 28, 2004, the undersigned conducted a telephonic interview with Examiner Kumiko Koyama and Primary Examiner Diane I. Lec. Applicants and their counsel thank the Examiners for their time. This summary constitutes a recordation contemplated by 37 C.F.R. § 1.133 and MPEP § 713.04.

A. Brief Description of Nature of any Exhibit or Demonstration  
None.

B. Identification of Claim(s) Discussed  
Amendments to each of the independent claims were discussed, a copy of which are attached as Exhibit "A."

C. Identification of Specific Prior Art Discussed  
United States Patents Nos. 5,237,164 and 6,408,286, as well as International Application WO 99/49408.

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D. Identification of Principal Proposed Amendments Discussed

Amendments to each of the independent claims were discussed, a copy of which are attached as Exhibit "A."

E. General Identification of Principal Argument Discussed

Applicants submit that their proposed claims are patentable over the prior art of record because the art fails to disclose, teach or otherwise suggest an article of manufacture having a bar code where the article itself comprises at least part of the bar code, a bar code comprising variable information, or a flexible article having a bar code, as described in Applicants' specification.

In this regard, Applicants' undersigned counsel advised the Examiners that although International Application WO 99/49408 (which was referenced and discussed in Applicants' original application) discloses a container having a bar code, the reference fails to teach, disclose or otherwise suggest that the bar code may comprise variable information. This is because the '408 application teaches that the bar code is formed in a hot stamp process that uses a metal stamp die (8:22-23)<sup>1</sup>.

In that process, the metal die must be etched with each bar code image to be transferred or "stamped." Because such a die is designed to last several years, a bar code formed from that die would necessarily contain only information that remains unchanged – or fixed – for several years. No variable information would be included.

F. Other Pertinent Matters Discussed

None.

G. Results of Interview

No agreement was reached, as the Examiners requested time to review Applicants' detailed arguments in Applicants' anticipated Reply to the outstanding Office Action. Thus, because the interview and this corresponding summary were intended only to broach Applicants' arguments, Applicants respectfully incorporate their detailed arguments that will be made of record in their Reply.

H. Copies of Internet E-mail, if Conducted via Email

Attached as Exhibit "A."

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<sup>1</sup> Citation is to page and line numbers of the reference.

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Page 3

### CONCLUSION

Applicants submit the above constitutes a complete, written statement as contemplated by 37 C.F.R. 1.133 and MPEP § 713.04. Applicants respectfully request this paper to be made of record in the above-identified application. The Examiner is requested to contact the undersigned if the Examiner has any questions.

Respectfully submitted,

Date: January 28, 2004

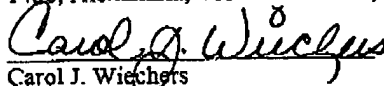
By 

Stephen R. Auten  
Reg. No. 47,396  
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Chicago, IL 60606  
(312) 554-3300

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#### CERTIFICATE OF MAILING

I hereby certify that this paper or fee is being deposited with the United States Postal Service as a U.S. first-class mail in an envelope, with sufficient postage prepaid thereon, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 29, 2004, as well as by faxing all papers to (703) 872-9306.



Carol J. Wiechers  
(192726)

Stephen Auten - Claims for Interview on 01-28-04

**From:** Stephen Auten  
**T :** kumiko.koyama@uspto.gov  
**Date:** 1/26/04 5:56PM  
**Subject:** Claims for Interview on 01-28-04

Please see attached.

Best regards,

Stephen R. Auten  
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**EXHIBIT A****PROPOSED AMENDMENTS**

1. (currently amended) A medical container having a negative image bar code ~~encoding~~  
~~symbology~~ comprising:

a medical container ~~a substrate~~;

a plurality of light-reflecting segments ~~separated by spaces and~~ disposed on the  
container ~~the substrate~~,

wherein the container defines spaces that separate the light-reflecting  
segments,[[;]]

wherein the spaces defined ~~defining~~ light-absorbing segments,[[;]]

wherein the light-reflecting segments and the light-absorbing segments  
define a negative image bar code representing fixed information and variable information,[[;  
and]]

wherein the negative image bar code ~~encoding symbology~~ is detectable using  
a reader, and[[.]]

wherein the variable information comprises at least one selected from the  
group consisting of: lot number, batch number, expiration date, serial number, production time,  
price, and concentration.

14. (currently amended) A container having a negative image bar code, the container  
~~encoding symbology~~ comprising:

a flexible film ~~substrate~~;

a plurality of light-reflecting segments ~~separated by spaces and~~ disposed on the  
film ~~substrate~~,

wherein the film defines spaces that separate the light-reflecting segments,

wherein the spaces defined ~~defining~~ light-absorbing segments,[[;]]

wherein the light-reflecting segments and the light-absorbing segments  
define a negative image bar code representing fixed information and variable information,[[;]]

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Page 2

wherein the variable information comprises at least one selected from the group consisting of: lot number, batch number, expiration date, serial number, production time, price, and concentration, and

wherein the negative image bar code coding symbology is detectable using a reader[[; and]]

~~wherein the substrate comprises a pouch-type flexible container.~~

15. (currently amended) A medical container having a negative image bar code coding symbology comprising:

a medical container substrate;

a first plurality of light-reflecting segments ~~separated by spaces and~~ disposed on the medical container, wherein the medical container defines first spaces that separate the first plurality of light-reflecting segments, wherein the first spaces define a first set of light-absorbing segments, and wherein the first plurality and the first set define a first negative image bar code representing fixed information;

a second plurality of light-reflecting segments ~~separated by spaces and~~ disposed on the medical container, wherein the medical container defines second spaces that separate the second plurality of light-reflecting segments, wherein the second spaces define a second set of light-absorbing segments, wherein the second plurality and the second set define a second negative image bar code representing variable information, wherein the variable information comprises at least one selected from the group consisting of: lot number, batch number, expiration date, serial number, production time, price, and concentration; and

wherein the first bar code and the second bar code are each coding symbology is detectable using a reader.

16. (currently amended) A medical container having a negative image bar code coding symbology comprising:

a medical container substrate defining a portion of the container;

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 Page 3

a plurality of light-reflecting segments ~~separated by spaces and~~ disposed on the ~~medical container~~ substrate, wherein the medical container defines spaces that separate the plurality of light-reflecting segments, and wherein the spaces defined ~~defining~~ light-absorbing segments;

wherein the light-reflecting segments and the light-absorbing segments define a negative image bar code representing ~~fixed information and~~ variable information;

wherein the negative image bar code is detectable using a reader; and  
 wherein the variable information comprises at least one selected from the group consisting of: lot number, batch number, expiration date, serial number, production time, price, and concentration

~~wherein the container is a medical container.~~

17. (currently amended) A container comprising:

a ~~flexible film~~ substrate;

~~a first plurality of light-reflecting segments separated by spaces and disposed on the substrate, the spaces defining a first set of light-absorbing segments, and wherein the first plurality and the first set define a first bar code representing fixed information;~~

a second plurality of light-reflecting segments ~~separated by spaces and~~ disposed on the ~~flexible film~~ substrate, wherein the flexible film defines spaces that separate the plurality of light-reflecting segments, wherein the spaces defined ~~defining~~ a second set of light-absorbing segments, ~~[[and]] wherein the second plurality and the second set define a second negative image bar code representing variable information[[;]], wherein the first bar code and second bar code [[are]] is detectable using a reader[[; and]], and wherein the variable information comprises at least one selected from the group consisting of: lot number, batch number, expiration date, serial number, production time, price, and concentration~~

~~wherein the container is a medical container.~~

18. (currently amended) A container system comprising:



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a medical primary container having a substrate;

a plurality of light-reflecting segments ~~separated by spaces and~~ disposed on the medical containersubstrate, wherein the medical container defines spaces that separate the plurality of light-reflecting segments, wherein the spaces define light-absorbing segments, wherein the light-reflecting segments and the light-absorbing segments define a negative image bar code representing fixed information and variable information, and wherein the bar code is detectable using a reader[[:]] and

a material positioned over a portion of the bar codesubstrate, wherein the portion has an A or B scan grade when decoded through the material and in accordance with ANSI X3.182.

19. (currently amended) A container system comprising:

a medicalprimary container having substrate;

a first plurality of light-reflecting segments ~~separated by spaces and~~ disposed on the medical containersubstrate, wherein the medical container defines first spaces that separate the first plurality of light-reflecting segments, wherein the first spaces definedefining a first set of light-absorbing segments, and wherein the first plurality and the first set define a first negative image bar code representing fixed information;

a second plurality of light-reflecting segments ~~separated by spaces and~~ disposed on the medical containersubstrate, wherein the medical container defines second spaces that separate the second plurality of light-reflecting segments, wherein the second spaces definedefining a second set of light-absorbing segments, and wherein the second plurality and the second set define a second negative image bar code representing variable information;

~~wherein the first bar code and the second bar code are detectable using a reader; and~~

a material positioned over a portion each bar codeof the substrate, wherein each portion has an A or B scan grade when decoded through the material and in accordance with ANSI X3.182.

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20. (currently amended) A container system comprising:

~~a medical primary container having a substrate;~~

~~a first plurality of light-reflecting segments separated by spaces and disposed on the medical container substrate, wherein the substrate defines spaces that separate the plurality of light-reflecting segments, wherein the spaces defined defining a first set of light-absorbing segments, [[and]] wherein the first plurality and the first set define a first negative image bar code representing fixed information or variable information;~~

~~a material positioned over a portion of the bar code, and substrate;~~

~~a second plurality of light-reflecting segments separated by spaces and disposed on the material, the spaces defining a second set of light-absorbing segments, and wherein the second plurality and the second set define a second bar code representing fixed information or variable information;~~

~~wherein the first bar code and the second bar code are detectable using a reader; and~~

~~wherein the portion of the bar code has an A or B scan grade when decoded through the material and in accordance with ANSI X3.182~~

~~wherein the combination of the first bar code and the second bar code represent fixed information and variable information.~~

21. (currently amended) A container system comprising:

~~a flexible container primary container having a substrate;~~

~~a material positioned over a portion of the substrate;~~

~~a plurality of light-reflecting segments separated by spaces and disposed on the flexible container material, wherein the flexible container defines spaces that separate the plurality of light-reflecting segments, wherein the spaces defined defining light-absorbing segments, [[and]] wherein the light-reflecting segments and the light-absorbing segments define a bar code representing fixed information and variable information, wherein the variable~~

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information comprises at least one selected from the group consisting of: lot number, batch number, expiration date, serial number, production time, price, and concentration,[[;]] and wherein the bar code is detectable using a reader[[.]];

a material positioned over a portion of the bar code, wherein the portion of the bar code has an A or B scan grade when decoded through the material and in accordance with ANSI X3.182.

22. (currently amended) A container system comprising:

a film that defines the container~~primary container~~ having substrate;

a material positioned over a portion of the substrate;

a first plurality of light-reflecting segments separated by spaces and disposed on the material, the spaces defining a first set of light-absorbing segments, and wherein the first plurality and the first set define a first bar code representing fixed information;

a second plurality of light-reflecting segments separated by spaces and disposed on the film~~material~~, wherein the film defines spaces that separate the light-reflecting segments, wherein the spaces define~~defining~~ a second set of light-absorbing segments, [[and]] wherein the second plurality and the second set define a second negative image bar code representing variable information, wherein the bar code can be detected by a reader, and wherein the variable information comprises at least one selected from the group consisting of: lot number, batch number, expiration date, serial number, production time, price, and concentration. [[;]]

wherein the first bar code and the second bar code are each detectable using a reader.

23. (currently amended) A method of transferring a negative image bar code onto a flexible web of material comprising the steps of:

providing a flexible web of material;

providing a printer capable of transferring a plurality of light-reflecting segments~~negative image bar code~~ onto the web in response to a signal representative of the plurality of

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light-reflecting segments, negative image bar code, the negative image bar code representing fixed information and variable information; and

transferring the signal to the printer; and

transferring the plurality of light-reflecting segments negative image bar code onto the web of material, wherein the web defines spaces that separate the plurality of light-reflecting segments, wherein the spaces define a plurality light-absorbing segments, wherein the light-reflecting segments and the light-absorbing segments define a negative image bar code that can be detected by a reader, wherein the negative image bar code represents fixed information and variable information, and wherein the variable information comprises at least one selected from the group consisting of: lot number, batch number, expiration date, serial number, production time, price, and concentration.

25. (currently amended) A container system comprising:

a flexible primary container having a substrate;

a plurality of light-reflecting segments disposed on the flexible container, wherein the flexible container defines spaces that separate the plurality of light-reflecting segments, wherein the spaces define light-absorbing segments, wherein the light-reflecting segments and the light-absorbing segments define a negative image bar code representing variable information, wherein the variable information comprises at least one selected from the group consisting of: lot number, batch number, expiration date, serial number, production time, price, and concentration; and

a material positioned over a portion of the negative image bar code, wherein the portion of the bar code has an A or B scan grade when decoded through the material and in accordance with ANSI X3.182 container system has a negative image bar code representing fixed information and variable information, and wherein the negative image bar code is detectable using a reader.

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33. (new) A medical container having a bar code comprising:  
a negative image bar code disposed on a medical container,  
whercin the medical container defines at least two spaces in the bar  
code, the spaces absorbing light,  
wherein the negative image bar code is detectable with a bar code  
reader,  
wherein the negative image bar code comprises variable  
information, and  
wherein the variable information comprises at least one selected  
from the group consisting of: lot number, batch number, expiration date, serial number,  
production time, price, and concentration.